IFW/AB

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# TRANSMITTAL FORM

*(to be used for all correspondence after initial filing)*

| | |
|---|---|
| Application Number | 10/681,418 |
| Filing Date | October 7, 2003 |
| First Named Inventor | H. Michael SHEPARD |
| Art Unit | 1623 |
| Examiner Name | Lawrence E. Crane |
| Total Number of Pages in This Submission: 31 | Attorney Docket Number: NB 2008.01 |

**ENCLOSURES** ***(check all that apply)***

- ☒ Fee Transmittal Form
  - ☐ Fee Attached
- ☐ Amendment / Reply
  - ☐ After Final
  - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☒ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/ Incomplete Application
  - ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____
- ☐ After Allowance Communication to Group
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to Group **(Appeal Notice, Brief, Reply Brief)**
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s) *(please identify below)*:
  **115 Reference, postcard receipt**

Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

| | |
|---|---|
| Firm or Individual name | Antoinette F. Konski<br>Bingham McCutchen LLP |
| Signature | Antoinette F. Konski |
| Date | Aug. 6, 2004 |

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

| | | | |
|---|---|---|---|
| Typed or printed name | Mary R. Zimmerman | | |
| Signature | Mary R. Zimmerman | Date | Aug 6, 2004 |

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# FEE TRANSMITTAL for FY 2004

*Effective 10/01/2003. Patent fees are subject to annual revision.*

☐ Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** ($) 180

| *Complete if Known* | |
|---|---|
| Application Number | 10/681,418 |
| Filing Date | October 7, 2003 |
| First Named Inventor | H. Michael SHEPARD |
| Examiner Name | Lawrence E. Crane |
| Art Unit | 1623 |
| Attorney Docket No. | NB 2008.01 |

## METHOD OF PAYMENT *(check all that apply)*

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number: 50-2518

Deposit Account Name: Bingham McCutchen LLP

**The Director is authorized to:** *(check all that apply)*
☐ Charge fee(s) indicated below ☐ Credit any overpayments
☐ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, **except for the filing fee** to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

| Large Entity Fee Code | Large Entity Fee ($) | Small Entity Fee Code | Small Entity Fee ($) | Fee Description | Fee Paid |
|---|---|---|---|---|---|
| 1001 | 770 | 2001 | 385 | Utility filing fee | |
| 1002 | 340 | 2002 | 170 | Design filing fee | |
| 1003 | 530 | 2003 | 265 | Plant filing fee | |
| 1004 | 770 | 2004 | 385 | Reissue filing fee | |
| 1005 | 160 | 2005 | 80 | Provisional filing fee | |

SUBTOTAL (1) ($) 0

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| | | | Extra Claims | | Fee from below | | Fee Paid |
|---|---|---|---|---|---|---|---|
| Total Claims | | -20 ** | = 0 | X | | = | 0 |
| Independent Claims | | -3 ** | = 0 | X | | = | 0 |
| Multiple Dependent | | | | X | | = | 0 |

| Large Entity Fee Code | Large Entity Fee ($) | Small Entity Fee Code | Small Entity Fee ($) | Fee Description |
|---|---|---|---|---|
| 1202 | 18 | 2202 | 9 | Claims in excess of 20 |
| 1201 | 86 | 2201 | 43 | Independent claims in excess of 3 |
| 1203 | 290 | 2203 | 145 | Multiple dependent claim, if not paid |
| 1204 | 86 | 2204 | 43 | ** Reissue independent claims over original patent |
| 1205 | 18 | 2205 | 9 | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) ($) 0

***or number previously paid, if greater; For Reissues, see above*

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

| Large Entity Fee Code | Large Entity Fee ($) | Small Entity Fee Code | Small Entity Fee ($) | Fee Description | Fee Paid |
|---|---|---|---|---|---|
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath | |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet. | |
| 1053 | 130 | 1053 | 130 | Non-English specification | |
| 1812 | 2,520 | 1812 | 2,520 | For filing a request for reexamination | |
| 1804 | 920* | 1804 | 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 | 1,840* | 1805 | 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 | 110 | 2251 | 55 | Extension for reply within first month | |
| 1252 | 420 | 2252 | 210 | Extension for reply within second month | |
| 1253 | 950 | 2253 | 475 | Extension for reply within third month | |
| 1254 | 1,480 | 2254 | 740 | Extension for reply within fourth month | |
| 1255 | 2,010 | 2255 | 1,005 | Extension for reply within fifth month | |
| 1401 | 330 | 2401 | 165 | Notice of Appeal | |
| 1402 | 330 | 2402 | 165 | Filing a brief in support of an appeal | |
| 1403 | 290 | 2403 | 145 | Request for oral hearing | |
| 1451 | 1,510 | 1451 | 1,510 | Petition to institute a public use proceeding | |
| 1452 | 110 | 2452 | 55 | Petition to revive – unavoidable | |
| 1453 | 1,330 | 2453 | 665 | Petition to revive – unintentional | |
| 1501 | 1,330 | 2501 | 665 | Utility issue fee (or reissue) | |
| 1502 | 480 | 2502 | 240 | Design issue fee | |
| 1503 | 640 | 2503 | 320 | Plant issue fee | |
| 1460 | 130 | 1460 | 130 | Petitions to the Commissioner | |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17 (q) | |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Stmt | 180 |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 | 770 | 2809 | 385 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 1810 | 770 | 2810 | 385 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 1801 | 770 | 2801 | 385 | Request for Continued Examination (RCE) | |
| 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application | |

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) ($) 180

| SUBMITTED BY | | | | | Complete *(if applicable)* |
|---|---|---|---|---|---|
| *Name (Print/Type)* | Antoinette F. Konski | *Registration No. (Attorney/Agent)* | 34,202 | *Telephone* | 650-849-4950 |
| *Signature* | | | | *Date* | 8-6-04 |

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PTO/SB/08A (08-03)
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Substitute for form1449A-PTO

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

*(use as many sheets as necessary)*

Sheet 1 of 7

| *Complete if Known* | |
|---|---|
| **Application Number** | **10/681,418** |
| **Filing Date** | **October 7, 2003** |
| **First Named Inventor** | **H. Michael SHEPARD** |
| Art Unit | **Lawrence E. Crane** |
| Examiner Name | **1623** |
| Attorney Docket Number | **NB 2008.01** |

## U.S. PATENT DOCUMENTS

| Examiner Initials* | Cite No.[1] | Document Number Number – Kind Code[2] (if known) | Publication Date MM-DD-YY | Name of Patentee or Application of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|---|---|---|---|---|---|
| | 1 | US-3,852,266 | 12-03-74 | Kiyanagi et al. | |
| | 2 | US-4,247,544 | 01-27-81 | Bergstrom, et al. | |
| | 3 | US-4,267,171 | 04-12-81 | Bergstrom, et al. | |
| | 4 | US-4,542,210 | 09-17-85 | Sakata et al. | |
| | 5 | US-4,668,777 | 05-26-87 | Caruthers et al. | |
| | 6 | US-4,816,570 | 03-28-89 | Farquhar | |
| | 7 | US-4,948,882 | 08-14-90 | Ruth | |
| | 8 | US-4,963,263 | 10-16-90 | Kauver | |
| | 9 | US-4,963,533 | 10-16-90 | De Clercq et al. | |
| | 10 | US-4975,278 | 12-04-90 | Senter et al. | |

## FOREIGN PATENT DOCUMENTS

| Examiner Initials* | Cite No.[1] | Foreign Patent Document Country Code[3] – Number[4] – Kind Code[5] (if known) | Publication Date MM-DD-YY | Name of Patentee or Application of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T[6] |
|---|---|---|---|---|---|---|
| | 11 | DE 32 29 169 A1 | 02-09-84 | De Clercq et al. | | |
| | 12 | EP 0 311 107 A2 | 04-12-89 | Stichting REGA VZW | | |
| | 13 | EP 0 311 108A2 | 04-12-89 | Stichting REGA VZW | | |
| | 14 | EP 0 316 592 | 05-24-89 | Stichting REGA VZW | | |
| | 15 | GB 982 776 | 02-10-65 | The Wellcome Foundation | | |
| | 16 | RO 88451 | 01-30-86 | Antibiotics Enterprise, Iasi | | X |
| | 17 | WO 89/05817 | 06-29-89 | Nucleic Acid Research Institute | | |
| | 18 | WO 90/03978 | 04-19-90 | Stichting REGA VZW | | |
| | 19 | WO 91/17424 | 11-14-91 | Vical, Inc. | | |

| Examiner's Signature | | Date Considered | |
|---|---|---|---|

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*(use as many sheets as necessary)*

Sheet 2 of 7

| *Complete if Known* | |
|---|---|
| **Application Number** | **10/681,418** |
| **Filing Date** | **October 7, 2003** |
| **First Named Inventor** | **H. Michael SHEPARD** |
| Art Unit | **Lawrence E. Crane** |
| Examiner Name | **1623** |
| Attorney Docket Number | **NB 2008.01** |

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|---|---|---|---|---|---|
| | 20 | US-5,070,082 | 12-03-91 | Murdock, et al. (I) | |
| | 21 | US-5,077,282 | 12-31-91 | Murdock, et al. (II) | |
| | 22 | US-5,077,283 | 12-31-91 | Murdock, et al. (III) | |
| | 23 | US-5,085,983 | 02-04-92 | Scanlon | |
| | 24 | US-5,116,822 | 05-26-92 | De Clercq et al. | |
| | 25 | US-5,116,827 | 05-26-92 | Murdock, et al. (IV) | |
| | 26 | US-5,133,866 | 07-28-92 | Kauver | |
| | 27 | US-5,137,724 | 08-11-92 | Balzarini et al. | |
| | 28 | US-5,212,161 | 05-18-93 | Moriniere et al. | |
| | 29 | US-5,212,291 | 05-18-93 | Murdock, et al. (V) | |

## FOREIGN PATENT DOCUMENTS

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|---|---|---|---|---|---|---|
| | 30 | WO 92/19767 | 11-12-92 | Terrapin Technologies, Inc. | | |
| | 31 | WO 93/06120 | 04-01-93 | University of Rochester | | |
| | 32 | WO 94/03467 | 02-17-94 | Institute of Organic Chemistry & Biochemistry of the Academy of Sciences of the Czech Republic, et al. | | |
| | 33 | WO 94/22483 | 10-13-94 | Kozak, Alexander | | |

| Examiner's Signature | | Date Considered | |
|---|---|---|---|

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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

*(use as many sheets as necessary)*

Sheet 3 of 7

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| **Application Number** | **10/681,418** |
| **Filing Date** | **October 7, 2003** |
| **First Named Inventor** | **H. Michael SHEPARD** |
| Art Unit | **Lawrence E. Crane** |
| Examiner Name | **1623** |
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|---|---|---|---|---|---|
| | 34 | US-5,217,869 | 06-08-93 | Kauver | |
| | 35 | US-5,233,031 | 08-03-92 | Borch et al. | |
| | 36 | US-5,264,618 | 11-23-93 | Felgner et al. | |
| | 37 | US-5,300,425 | 04-05-94 | Kauver | |
| | 38 | US-5,338,659 | 08-16-94 | Kauver, et al. | |
| | 39 | US-5,430,148 | 07-04-95 | Webber, et al. | |
| | 40 | US-5,433,955 | 07-18-95 | Bredehorst et al. | |
| | 41 | US-5,457,187 | 10-10-95 | Gmeiner et al. | |
| | 42 | US-5,459,127 | 10-17-85 | Felgner et al. | |
| | 43 | US-5,516,631 | 05-14-96 | Frisch | |

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|---|---|---|---|---|---|---|
| | 44 | WO 95/01806 | 01-19-95 | Kondratyev, A. | | |
| | 45 | WO 95/08556 | 03-30-95 | Amersham International, Inc. | | |
| | 46 | WO 95/09865 | 04-13-95 | Terrapin Technologies, Inc. | | |
| | 47 | WO 95/12678 | 05-11-95 | Connors, T. et al. | | |
| | 48 | WO 96/03151 | 02-08-96 | Springer et al. | | |
| | 49 | WO 96/07413 | 04-04-96 | University of Georgia Research Foundation & Yale University | | |

| Examiner's Signature | | Date Considered | |
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*(use as many sheets as necessary)*

Sheet 4 of 7

| *Complete if Known* | |
|---|---|
| **Application Number** | **10/681,418** |
| **Filing Date** | **October 7, 2003** |
| **First Named Inventor** | **H. Michael SHEPARD** |
| Art Unit | **Lawrence E. Crane** |
| Examiner Name | **1623** |
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|---|---|---|---|---|---|
| | 50 | US-5,521,161 | 05-28-96 | Malley et al. | |
| | 51 | US-5,527,900 | 06-18-96 | Balzarini et al. | |
| | 52 | US-5,596,018 | 01-21-97 | Baba et al. | |
| | 53 | US-5,616,564 | 04-01-97 | Rapaport | |
| | 54 | US-5,627,165 | 05-06-97 | Glazier | |
| | 55 | US-5,645,988 | 07-08-97 | Vande Woude et al. | |
| | 56 | US-5,663,321 | 09-02-97 | Gmeiner et al. | |
| | 57 | US-5,733,896 | 03-31-98 | Holý et al. | |
| | 58 | US-5,798,340 | 08-25-98 | Bischofberger et al. | |
| | 59 | US-5,968,910 | 10-19-99 | Balzarini | |

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|---|---|---|---|---|---|---|
| | 60 | WO 96/10030 | 04-04-96 | Isis Pharmaceuticals, Inc. | | |
| | 61 | WO 96/23506 | 08-08-96 | Fraunhofer Society for the Promotion of Applied Research E.V. | | X |
| | 62 | WO 96/29336 | 09-26-96 | Medical Research Council, University College Cardiff Consultants, Inc. Rega Foundation | | |

| Examiner's Signature | | Date Considered | |
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Sheet 5 of 7

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|---|---|---|---|---|---|
| | 63 | US-5,981,507 | 11-09-99 | Josephson et al. | |
| | 64 | US-6,057,305 | 05-02-00 | Holý et al. | |
| | 65 | US-6,245,750 | 06-12-01 | Shepard | |
| | 66 | US-6,339,151 | 02-15-02 | Shepard et al. | |
| | 67 | US-6,495,553 | 12-17-02 | Shepard | |
| | 68 | US-2001/034440 | 10-25-01 | Shepard et al. | |
| | 69 | US-2002/0147175 | 10-10-02 | Shepard et al. | |
| | 70 | US-2002/0151519 | 10-17-02 | Shepard et al. | |
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## FOREIGN PATENT DOCUMENTS

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|---|---|---|---|---|---|---|
| | 71 | WO 96/33168 | 10-24-96 | Kumiai Chemical Industry Co Ltd et al. | | |
| | 72 | WO 96/40088 | 12-19-96 | Hostetler, Karl Y. | | |
| | 73 | WO 96/40708 | 12-19-96 | La Jolla Pharmaceuticals, Inc. | | |
| | 74 | WO 96/40739 | 12-19-96 | Terrapin Technologies, Inc. | | |
| | 75 | WO 97/25342 | 07-17-97 | Terrapin Technologies, Inc. | | |
| | 76 | WO 97/28179 | 08-07-97 | Fick, James & Israel, Mark | | |

| Examiner's Signature | | Date Considered | |
|---|---|---|---|

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Sheet 6 of 7

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| | 78 | WO 98/49177 | 11-05-98 | University College Cardiff Consultants Limited | | |
| | 79 | WO 99/06072 | 02-11-99 | Boehringer Mannheim Corp. | | |
| | 80 | WO 99/08110 | 02-18-99 | NewBiotics, Inc. | | |
| | 81 | WO 99/20741 | 04-29-99 | Geron Corporation | | |
| | 82 | WO 99/23104 | 05-14-99 | The Government of the United States of America represented by The Secretary of Health & Human Services | | |
| | 83 | WO 99/37753 | 07-29-99 | NewBiotics, Inc. | | |

| Examiner's Signature | | Date Considered | |
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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

*(use as many sheets as necessary)*

Sheet 7 of 7

| *Complete if Known* | |
|---|---|
| **Application Number** | **10/681,418** |
| **Filing Date** | **October 7, 2003** |
| **First Named Inventor** | **H. Michael SHEPARD** |
| Art Unit | **Lawrence E. Crane** |
| Examiner Name | **1623** |
| Attorney Docket Number | **NB 2008.01** |

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|---|---|---|---|---|---|---|
| | 84 | WO 00/18755 | 04-06-00 | University College Cardiff Consultants Limited and Rega Foundation | | |
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| | 86 | WO 01/07088 | 02-01-01 | NewBiotics, Inc. | | |
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| | 88 | WO 01/85749 | 11-15-01 | University College Cardiff Consultants Limited and Rega Foundation | | |

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| Sheet | 1 | of | 19 |
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Sheet 2 of 19

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| **Filing Date** | **October 7, 2003** |
| **First Named Inventor** | **H. Michael SHEPARD** |
| Art Unit | **Lawrence E. Crane** |
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Sheet 3 of 19

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| **Filing Date** | **October 7, 2003** |
| **First Named Inventor** | **H. Michael SHEPARD** |
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Sheet 4 of 19

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| Sheet | 6 | of | 19 |
|---|---|---|---|

| *Complete if Known* | |
|---|---|
| **Application Number** | **10/681,418** |
| **Filing Date** | **October 7, 2003** |
| **First Named Inventor** | **H. Michael SHEPARD** |
| Art Unit | **Lawrence E. Crane** |
| Examiner Name | **1623** |
| Attorney Docket Number | **NB 2008.01** |

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|---|---|
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| **Filing Date** | **October 7, 2003** |
| **First Named Inventor** | **H. Michael SHEPARD** |
| Art Unit | **Lawrence E. Crane** |
| Examiner Name | **1623** |
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|---|---|
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| **Filing Date** | **October 7, 2003** |
| **First Named Inventor** | **H. Michael SHEPARD** |
| Art Unit | **Lawrence E. Crane** |
| Examiner Name | **1623** |
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| **First Named Inventor** | **H. Michael SHEPARD** |
| Art Unit | **Lawrence E. Crane** |
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|---|---|---|---|
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Sheet 11 of 19

| *Complete if Known* | |
|---|---|
| **Application Number** | **10/681,418** |
| **Filing Date** | **October 7, 2003** |
| **First Named Inventor** | **H. Michael SHEPARD** |
| Art Unit | **Lawrence E. Crane** |
| Examiner Name | **1623** |
| Attorney Docket Number | **NB 2008.01** |

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Sheet 12 of 19

| *Complete if Known* | |
|---|---|
| **Application Number** | **10/681,418** |
| **Filing Date** | **October 7, 2003** |
| **First Named Inventor** | **H. Michael SHEPARD** |
| Art Unit | **Lawrence E. Crane** |
| Examiner Name | **1623** |
| Attorney Docket Number | **NB 2008.01** |

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Sheet 13 of 19

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|---|---|
| **Application Number** | **10/681,418** |
| **Filing Date** | **October 7, 2003** |
| **First Named Inventor** | **H. Michael SHEPARD** |
| Art Unit | **Lawrence E. Crane** |
| Examiner Name | **1623** |
| Attorney Docket Number | **NB 2008.01** |

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|---|---|
| **Application Number** | **10/681,418** |
| **Filing Date** | **October 7, 2003** |
| **First Named Inventor** | **H. Michael SHEPARD** |
| Art Unit | **Lawrence E. Crane** |
| Examiner Name | **1623** |
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| **Filing Date** | **October 7, 2003** |
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|---|---|---|---|
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Sheet 17 of 19

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|---|---|
| **Application Number** | **10/681,418** |
| **Filing Date** | **October 7, 2003** |
| **First Named Inventor** | **H. Michael SHEPARD** |
| Art Unit | **Lawrence E. Crane** |
| Examiner Name | **1623** |
| Attorney Docket Number | **NB 2008.01** |

## NON PATENT LITERATURE DOCUMENTS

| Examiner Initials* | Cite No.[1] | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher city and/or country where published | T[2] |
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Sheet 18 of 19

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| **Filing Date** | **October 7, 2003** |
| **First Named Inventor** | **H. Michael SHEPARD** |
| Art Unit | **Lawrence E. Crane** |
| Examiner Name | **1623** |
| Attorney Docket Number | **NB 2008.01** |

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Sheet 19 of 19

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| **Filing Date** | **October 7, 2003** |
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| Art Unit | **Lawrence E. Crane** |
| Examiner Name | **1623** |
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application for:

H. Michael SHEPARD et al.

Serial No.: 10/681,418

Filing Date: October 7, 2003

For: ENZYME CATALYZED THERAPEUTIC COMPOUNDS

Examiner: Lawrence E. Crane

Group Art Unit: 1623

## INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Examiner for consideration in connection with the examination of the above-identified application. The items are listed on the attached forms PTO/SB/08a and PTO/SB/08b.

Copies of the following documents listed in PTO/SB/08a (Item Nos. 1-15, 17-60, 62-65, and 71-88) and copies of the following documents listed in PTO/SB/08b (Item Nos. 1-163) were previously cited by the Office or submitted in Information Disclosure Statements in related applications: U.S. Serial Numbers 09/235,961, filed January 22, 1999, now U.S. Patent No. 6,339,151; U.S. Serial No. 09/856,127, filed July 21, 2000 (U.S. Patent No. 6,683,061 issued January 27, 2004); U.S. Serial No. 09/782,721, filed February 12, 2001; U.S. Serial No. 09/990,799, filed November 16, 2001; and U.S. Serial No. 10/051,320, filed January 18, 2002, and accordingly, copies are not included herewith. The Examiner is requested to make these documents of record.

Pursuant to 37 CFR § 1.98(a)(2)(i), copies of the following items identified on form PTO/SB/08a under the heading U.S. Patent Documents (Item Nos. 66-70) are not attached.

Copies of the following documents listed in PTO/SB/08a (Item Nos. 16 and 61) and PTO/SB/08b (Item Nos. 164-275) are attached for consideration.

The Examiner is requested to make these documents of record.

This Information Disclosure Statement is submitted:

☐ With the new patent application submitted herewith (37 C.F.R. § 1.97(a)).

☐ Within three months of the application filing date or before receipt of a first Office Action on the merits; accordingly, no fee or separate requirements are required.

☐ Before the mailing date of the first Office Action on the merits. In the event, however that an Office Action has crossed in the mail with this Information Disclosure Statement, the Commissioner is hereby authorized to charge Deposit Account No. 50-1189 for any fees required pursuant to 37 C.F.R. §§ 1.17(p) or 1.17(i)(1).

☒ After receipt of a first Office Action on the merits but before a final Office Action or Notice of Allowance. A fee is required. The Commissioner is hereby authorized to charge Deposit Account No. 50-1189 for any fees required pursuant to 37 C.F.R. §§ 1.17(p) or 1.17(i)(1).

☐ After receipt of a final Office Action or Notice of Allowance, but before payment of the issue fee. Accordingly, a Certification under 37 C.F.R. § 1.97(e) is provided herein. The Commissioner is hereby authorized to charge Deposit Account No. 50-1189 for any fees required pursuant to 37 C.F.R. §§ 1.17(p) or 1.17(i)(1).

The undersigned certifies that:

☐ Each item of information contained in the Information Disclosure Statement was first cited in any communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.

☐ No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

This Information Disclosure Statement under 37 C.F.R. § 1.97 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal letter is separated from this document and the U.S. Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 50-1178** referencing 7008303001. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: Aug. 6, 2004

By: _____
Antoinette F. Konski
Registration No. 34,202

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